3/28

Assistant Attorney General
Criminal Division

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APR 5 -

Assistant Attorney General
Office of Legal Counsel

Public mail on Warren Commission questions.

I have a copy of your memorandum of March 28 to suggesting that your Division handle the public mail on the Kennedy assassination involving the New Orleans investigation by District Attorney Garrison. We happily agree with your suggestion.

Prior to the recent court hearing, we were dealing with this subject in letters to the public somewhat as follows:

> "Your letter refers to the investigation being conducted by Mr. Garrison, the state district attorney in New Orleans. It should be noted that to date Mr. Garrison has not released any concrete information indicating the existence of significant new evidence not considered by the Warren Commission."

Since that hearing, we have been using the following approach:

> "With respect to the New Orleans matter, we can only point out that Mr. Garrison has not discussed his proceedings with federal authorities. It would not be proper for us to comment on the evidence in a case pending before a state court."

In most of the incoming correspondence reference to the New Orleans matter is made as one of several points critical of the Warren Commission and the Government, including a general attack on the findings of the Commission, the matter of documents withheld from public access, the x-rays and photographs, etc.

I assume you will make arrangements with Records Administration to have the Garrison letters sent to your Division and we shall forward any which find their way here. In order that your replies on the other aspects mentioned may be consistent with those we are sending in response to similar letters which do not raise the New Orleans issue, I am attaching copies of the forms we have been using to reply to the most frequent inquiries.

[redacted] of my staff, ext. 2674, will be happy to work with whoever handles this in the Criminal Division.

Attachments

Deaths of Witnesses to Assassination; Intimidation of Witnesses

We have no information that the death of any person subsequent to the events of the week end of the assassination, whether that person was a "witness" to some aspect of those events or not, was connected in any way with the assassination. Furthermore, we have no information indicating that the F.B.I. or any other Federal authorities have intimidated or otherwise threatened witnesses.

Commission was wrong; demands for new inquiry

The authors who have criticized the conclusions of the Warren Commission do not claim to have any significant new evidence, so far as we are aware. Rather, their criticisms and demands for a new inquiry are based upon different conclusions they have drawn from parts of the same body of evidence that was examined by the Commission. The Commission made a thorough inquiry and detailed analysis of the facts concerning the assassination. The evidence amply supports the basic conclusions of the Commission. In these circumstances, we see no basis for a new inquiry.

Withholding of Commission evidence

The Warren Commission gathered a vast amount of material, much of it having only remote connection with the assassination. The bulk of the material that was before the Commission either was published in its 26-volume Hearings or is available to researchers at the National Archives. The relatively small portion which is not now available to the public consists primarily of national security intelligence or investigative reports -- dealing largely with activities far removed from the assassination itself -- which if disclosed might compromise confidential sources or techniques, or in some cases jeopardize the lives of individuals abroad. Public availability of other information had been delayed pending completion of the prosecution of Jack Ruby, but this information will now be released. All of the Commission material which has not yet been released will be reviewed periodically until all of it has been made available to the public.

Autopsy pictures

The photographs and X-rays taken in connection with the autopsy of President Kennedy were transferred to the National Archives by his family under restrictions which the Government accepted pursuant to the statute governing the deposit of historical materials relating to former presidents. The autopsy pictures are available for official inspection by any government body having authority to investigate matters relating to the assassination. They will also be available, after a five-year period, for nonofficial inspection by experts in pathology or related areas of science, subject to restrictions suitable to the subject matter of these pictures.

It should be noted that the most meaningful evidence of autopsy findings consists of the expert analysis made by the doctors who performed the autopsy; the X-rays and photographs are simply a record of what the doctors saw and evaluated. Two of the doctors who performed the autopsy of the late President and testified before the Commission have examined the X-rays and photographs in the Archives and informed the press that the pictures corroborate the findings to which they had testified.

Commission Proceedings Not a Criminal Trial

Of course, the Warren Commission's proceedings were not the equivalent of a criminal trial of Oswald. In view of his death, it was impossible to establish the facts by a trial or equivalent adversary proceeding. The function of the Commission, in any event, was not limited to issues that would have been appropriate in a criminal trial of Oswald. These considerations are more fully developed in the evaluation by the Commission of its function set forth at pages xiv to xv of its report, which you may find helpful in assessing its procedures and results.